

Amendments to the Claims:

This listing of claims replaces all prior versions and listings of claims in the application:

Listing of Claims:

1. (Original) A DNA construct, wherein a mammalian  $\beta$ -actin promoter is operably linked to an enhancer.
2. (Currently Amended) The DNA construct of claim 1, wherein the enhancer is derived from Cytomegalovirus (CMV).
3. (Original) The DNA construct of claim 1, wherein the enhancer is Woodchuck Hepatitis Virus Posttranscriptional Regulatory Element (WPRE).
4. (Currently Amended) The DNA construct of ~~any one of claims 1 to 3~~ claim 1, wherein the mammalian  $\beta$ -actin promoter is a rodent  $\beta$ -actin promoter.
5. (Original) The DNA construct of claim 2, wherein the CMV enhancer comprises the nucleotide sequence shown in SEQ ID NO: 4 and the mammalian  $\beta$ -actin promoter comprises the nucleotide sequence shown in SEQ ID NO: 2.
6. (Original) The DNA construct of claim 3, wherein the Woodchuck Hepatitis Virus Posttranscriptional Regulatory Element (WPRE) comprises the nucleotide sequence shown in SEQ ID NO: 3 and the mammalian  $\beta$ -actin promoter comprises the nucleotide sequence shown in SEQ ID NO: 2.

7. (Currently Amended) A vector comprising the DNA construct of ~~any one of claims 1 to 6~~ claim 1.

8. (Original) The vector of claim 7, comprising a DNA having a desired DNA operably linked downstream of the mammalian  $\beta$ -actin promoter.

9. (Currently Amended) The vector of claim ~~7 or 8~~, comprising and capable of expressing a DNA encoding a transactivator.

10. (Original) The vector of claim 9, wherein the transactivator is an oncogene product.

11. (Original) The vector of claim 10, wherein the oncogene product is Ras.

12. (Currently Amended) The vector of ~~any one of claims 8 to 11~~ claim 8, wherein the desired DNA encodes a desired protein.

13. (Currently Amended) A cell comprising the vector of ~~any one of claims 8 to 12~~ claim 8.

14. (Currently Amended) A cell comprising the vector of ~~any one of claims 8 to 12~~ claim 8, wherein the oncogene is activated.

15. (Original) The cell of claim 14, into which the vector comprising the gene encoding the transactivator is introduced.

16. (Original) The cell of claim 14, which is a transformed cell.

17. (Currently Amended) The cell of ~~any one of claims 13 to 16~~ claim 13, which is a mammalian cell.

18. (Original) The cell of claim 17, which is a rodent cell.

19. (Currently Amended) The cell of ~~any one of claims 13 to 18~~ claim 13, which is derived from the same animal order as that from which the  $\beta$ -actin promoter is derived.

20. (Original) The cell of claim 19, which is derived from the same animal species as that from which the  $\beta$ -actin promoter is derived.

21. (Currently Amended) A non-human transgenic animal into which the vector according to ~~any one of claims 8 to 12~~ claim 8 has been introduced.

22. (Currently Amended) A totipotent cell into which the vector of ~~any one of claims 8 to 12~~ claim 8 is introduced.

23. (Original) A method for producing a desired protein, which comprises culturing a cell comprising the vector of claim 12; and harvesting the expressed protein from the cultured cell or medium.

24. (Original) The method of claim 23, which comprises adding a transactivator to the medium.

25. (Currently Amended) A method for expressing a desired DNA in a host cell, which comprises introducing the vector of ~~any one of claims 8 to 12~~ claim 8 into the host cell derived from the same animal order as that from which the  $\beta$ -actin promoter in the vector is derived.

26. (Currently Amended) ~~A method for expressing a desired DNA in a host cell, which comprises introducing the vector of any one of claims 8 to 12 into a host cell derived from the same animal species as that from which the  $\beta$ -actin promoter in the vector is derived.~~ The method of claim 25, wherein the host cell is derived from the same animal species as that from which the  $\beta$ -actin promoter in the vector is derived.

27. (Original) A method for expressing a desired DNA in a host cell, which comprises introducing the vector of claim 8 and a vector comprising and capable of expressing a DNA encoding a transactivator into a host cell which is derived from the same species as that from which the  $\beta$ -actin promoter in the vector of claim 8 is derived.

28. (Currently Amended) The method of ~~any one of claims 25 to 27~~ claim 25, wherein the host cell is a mammalian cell.

29. (Currently Amended) The method of ~~any one of claims 25 to 27~~ claim 25, wherein the host cell is a rodent cell.

30. (Currently Amended) A method for increasing the expression level of a desired DNA in a host cell, which comprises inserting upstream of the desired DNA a  $\beta$ -actin promoter derived from the same animal order as that from which the host cell is derived.

31. (Currently Amended) ~~A method for increasing the expression level of a desired DNA, which comprises inserting upstream of the desired DNA a  $\beta$ -actin promoter derived from the same animal species as that from the host cell is derived.~~ The method of claim 30, wherein the  $\beta$ -actin promoter is derived from the same animal species as that from which the host cell is derived.

32. (Currently Amended) The method of claim 30 ~~or 31~~, which further comprises inserting an enhancer.

33. (Original) The method of claim 32, wherein the enhancer is Woodchuck Hepatitis Virus Posttranscriptional Regulatory Element (WPRE).

34. (Original) The method of claim 32, wherein the enhancer is a CMV enhancer.

35. (Currently Amended) The method of ~~any one of claims 30 to 34~~ claim 30, which comprises inserting a gene encoding a transactivator gene.

36. (Currently Amended) The method of ~~any one of claims 30 to 35~~ claim 30, wherein the host cell is a mammalian cell.

37. (Currently Amended) The method of ~~any one of claims 30 to 35~~ claim 30, wherein the host cell is a rodent cell.

38. (New) The method of claim 27, wherein the host cell is a mammalian cell.

39. (New) The method of claim 27, wherein the host cell is a rodent cell.